

2-10 C#
IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

AMANDA BARGE, et ux.,

Plaintiffs

v.

DAVID J. SALINGER, M.D., et al.,

Defendants

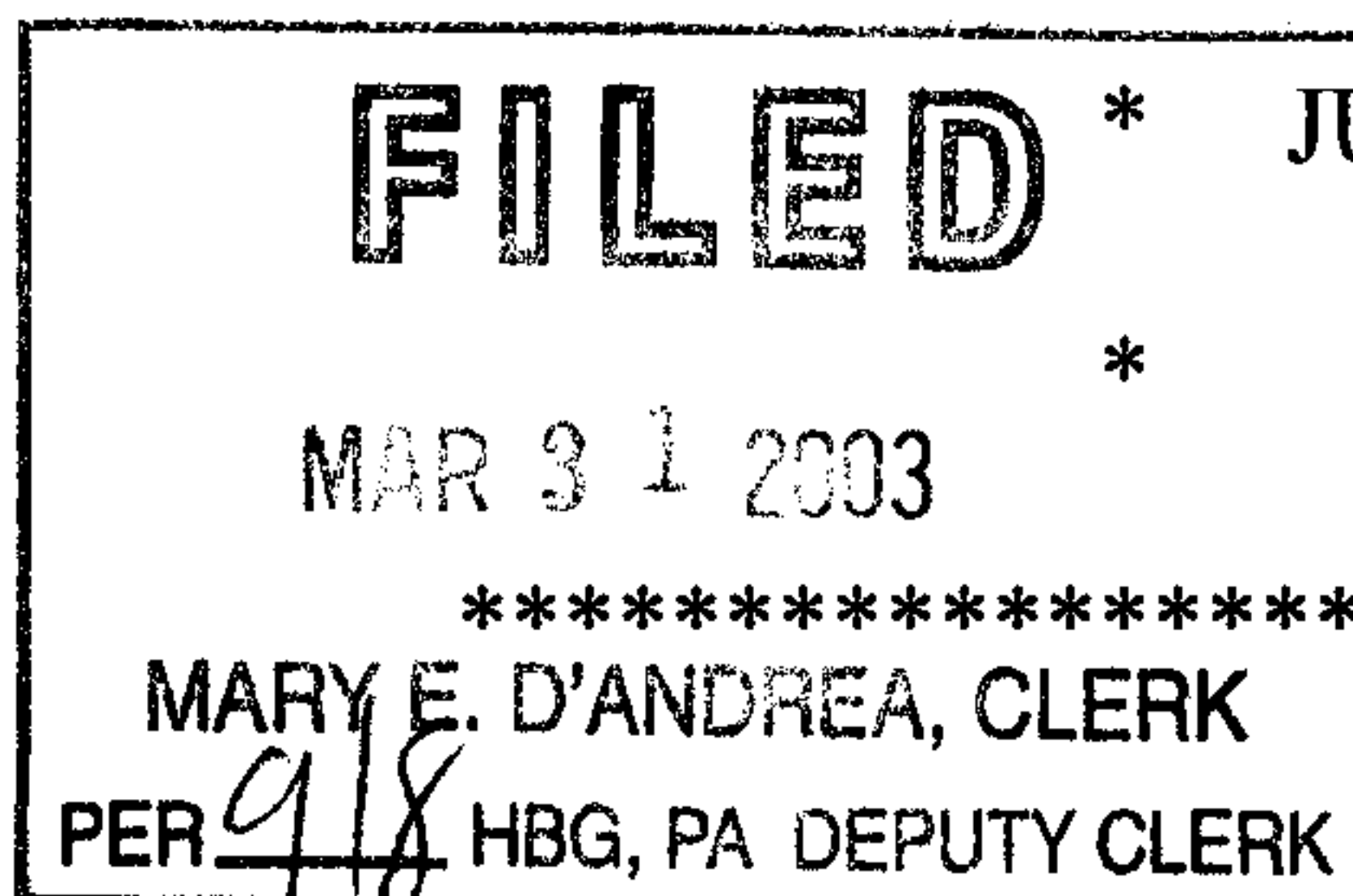
* NO. 1:00-CV-1881

*

* CIVIL ACTION - LAW

*

JURY TRIAL DEMANDED



**PLAINTIFFS' RESPONSE TO DEFENDANT KEYSTONE
ONCOLOGY, LLC'S MOTION TO DISMISS
PLAINTIFFS' CLAIMS ASSERTING VICARIOUS
LIABILITY FOR THE NEGLIGENCE OF
DEFENDANT WILLIAM YING**

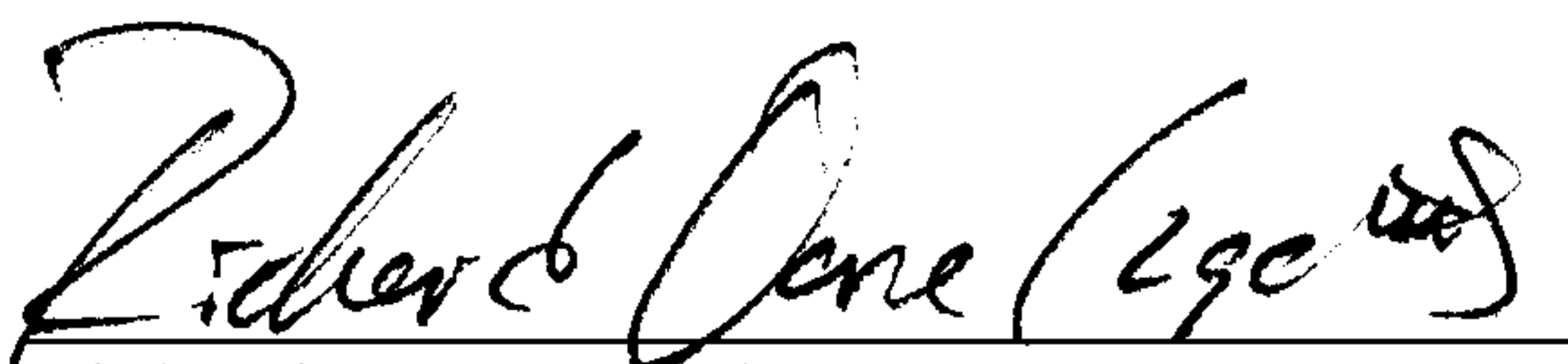
COME NOW the Plaintiffs, Amanda Barge and Arthur Barge, by and through their attorneys, Richard Oare, Louis G. Close, III and Louis G. Close, III, P.A., and in response to the Defendant Keystone Oncology's Motion to Dismiss Plaintiffs' Claims Asserting Vicarious Liability for the Negligence of the Defendant William Ying, states as follows:

1. The Plaintiffs do not intend to attempt to establish at the trial of this case, that the Defendant Keystone Oncology, LLC is vicariously liable for the negligence of the Defendant William Ying. Therefore, the Plaintiffs do not oppose the Motion to Dismiss Plaintiffs' claims

asserting vicarious liability on the part of Keystone Oncology, LLC for the negligence of the Defendant William Ying, only.

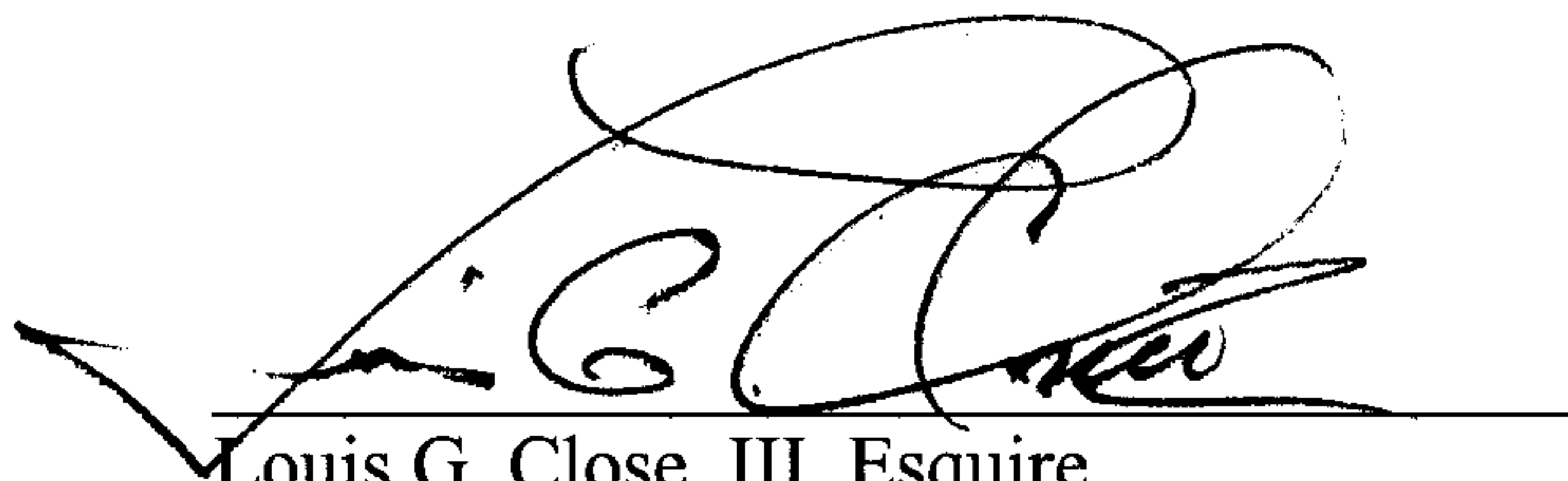
Respectfully submitted,

Dated:



Richard Oare, Esquire
U.S. Dist. Ct. M. D. ID #02985
1776 South Queen Street
York, Pennsylvania 17403
(717) 846-3000
Attorney for Plaintiffs

Dated:



Louis G. Close, III, Esquire
Louis G. Close, III, P.A.
22 West Pennsylvania Avenue, Suite 300
Towson, Maryland 21204
(410) 296-3606
Attorney for Plaintiffs

CERTIFICATE OF SERVICE

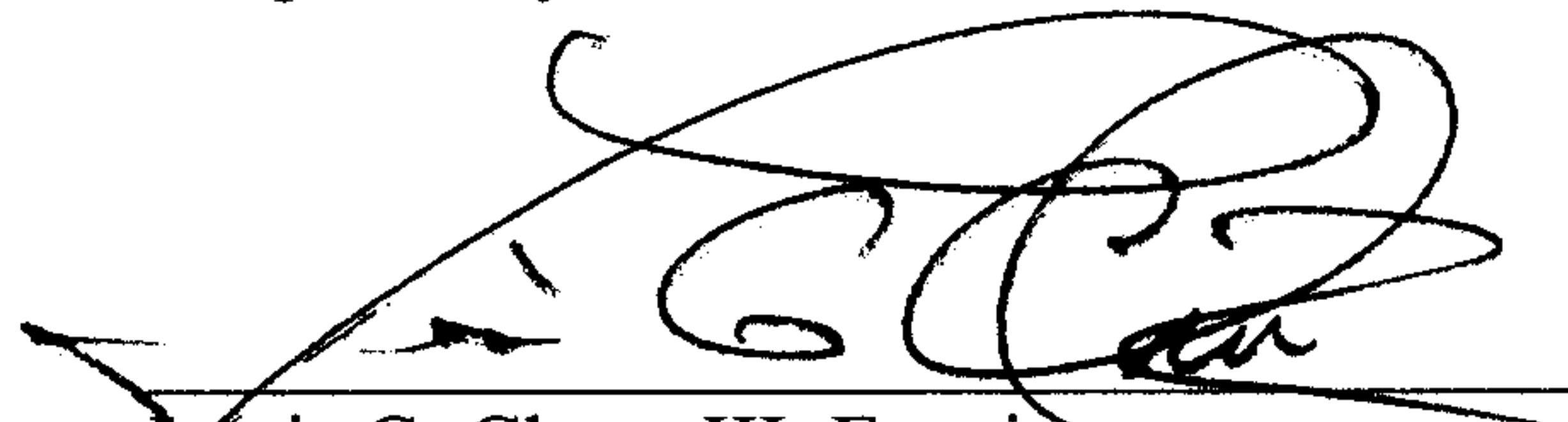
I HEREBY CERTIFY that on this 26 day of March, 2003, a copy of the foregoing Plaintiffs' Response to Defendant Keystone Oncology, LLC's Motion to Dismiss Plaintiffs' Claims Asserting Vicarious Liability for the Negligence of Defendant William Ying, was mailed, postage prepaid, to:

B. Craig Black, Esquire
McKissock & Hoffman
2040 Linglestown Road, Suite 302
Harrisburg, Pennsylvania 17110
Attorneys for David J. Salinger, M.D. and Keystone Oncology, LLC

Joseph A. Ricci, Esquire
Farrell & Ricci, P.C.
4423 North Front Street
Harrisburg, Pennsylvania 17110

*Attorneys for William Ying, Ph.D. and Comprehensive Physics and Regulatory
Services, Ltd*

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Louis G. Close, III', written over a horizontal line.

Louis G. Close, III, Esquire

Louis G. Close, III, P.A.

22 West Pennsylvania Avenue, Suite 300

Towson, Maryland 21204

(410) 296-3606

Attorney for Plaintiffs